

September 4, 1999
45 Bracewood Road
Waterbury, CT 06706
203/591-9177
capistrano@earthlink.net
Personal URL:
www.personal-expressions.net/users/don/

Secretary
FEDERAL COMMUNICATIONS
COMMISSION
The Portals
445 12th Street S.W.
Washington, DC 20554

RE: FCC DOCKET MM 99-25

Dear Commissioners and Commission Staff:

Enclosed are 15 copies, PLUS an Original, of INITIAL REPLY COMMENTS in Docket MM 99-25 (Low Power Radio Service). The same document has already been filed ELECTRONICALLY by John Robert Benjamin, Communications Director of THE AMHERST ALLIANCE.

These are INITIAL Reply Comments, designed primarily to convey information rather than arguments. I reserve the right to file Additional Reply Comments, on or before September 17, and currently expect to do so.

Based on past experience, I believe the Chart in the Appendix may be more readable in the hard copy than it is in the electronic copy.

Sincerely,

Don Schellhardt

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For
INITIAL REPLY COMMENTS
OF DON SCHELLHARDT
In
FCC DOCKET NO. MM 99-25

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UNITED STATES OF AMERICA

FEDERAL COMMUNICATIONS COMMISSION
The Portals
445 12th Street S.W.
WASHINGTON, DC

In The Matter Of:)	
Docket MM 99-25)	
Creation Of A)	
Docket RM-9208;)	
Low Power Radio Service)	Docket
RM-9242)	

INITIAL REPLY COMMENTS OF DON SCHELLHARDT

I am Don Schellhardt, a writer and legislative & regulatory attorney who
resides at present in Waterbury, Connecticut. With Nickolaus and Judith
Leggett
of Reston, Virginia, I co-authored and co-filed the Petition For Rulemaking that

triggered FCC Docket RM-9208. Later, I co-founded THE AMHERST ALLIANCE -- a small but nationwide citizens' group -- and was elected its current National Coordinator.

Amherst advocates a Low Power Radio Service ... supports the FCC Staff proposal for divestiture of certain radio stations ... opposes allocation of ANY radio station licenses by auction ... and favors a freer flow of information and ideas in radio and other mass media.

As an individual, I take the same position as Amherst on these issues. Despite this confluence, however, please treat these INITIAL REPLY COMMENTS as strictly my own views. They speak for no one but me.

DON SCHELLHARDT
INITIAL REPLY COMMENTS
DOCKET MM 99-25
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LOW POWER RADIO IN 60 DIFFERENT AREAS

The purpose of these INITIAL REPLY COMMENTS is not to make arguments but rather to convey information.

On August 8, 1999, I completed preparation of an analytical document for use by Members of THE AMHERST ALLIANCE. This document, entitled "Profile Of Low Power Radio 'Slots' In 60 Different Areas", is attached as an Appendix.

This document takes a look at information, provided to the NAB by the FCC, regarding the projected allocation of Low Power Radio licenses in each of 60 different metropolitan areas. These FCC estimates were used by the NAB as part of its study of alleged interference by Low Power Radio. (The study was then included in the NAB's August 2, 1999 Written Comments in this Docket.)

Since the "Profile" presents some of the available information in a way that MIGHT be new to the Commission, this document could perhaps spark new

insights. In particular, the patterns found in this document's Chart reinforce the

case for power ceilings which vary with population density and/or size.

Consider the RANGE of situations found over 60 metropolitan areas.

For LP-100 "slots", the high is 84 slots per area (Las Vegas), the low is

0 per area (New York City) and the average is 23 per area (Indianapolis). As for

population per LP-100 slot, the high is 3,875,000 per slot (Chicago), the low is 2,000 per slot (Flagstaff) and the average is 79,000 per "slot" (Louisville).

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For LP-1000 slots, the high is 24 slots per area (Flagstaff), the low is 0

per area (New York City, San Francisco, Chicago, Washington (DC), Detroit,

Baltimore, Spokane and Cleveland) and the average is 6.8 per area (Miami and

Grand Rapids). As for population per LP-1000 slot, the high is 9,206,000 per slot

(Los Angeles), the low is 5,000 per slot (Flagstaff) and the average is 272,000

(Manchester(CT)/Hartford).

A comparably HUGE variation can be seen in the number of LP-100 slots that must be displaced in order to make room for a single LP-1000 slot.

8 is the high (Pittsburgh), 1 is the low (Boston) and 3.4 is the average (Atlanta,

Mobile, Houston and Peoria).

Looking at these numbers, all drawn from the attached "Profile", it is hard

to argue AGAINST allowing LP-1000s in metro Flagstaff. On the other hand, it is also hard to argue FOR allowing even LP-100s in metro Chicago.

The Amherst approach to power ceilings looks better than ever.

CONCLUSION

For the reasons set forth herein, I urge the Commission to review, carefully and thoughtfully, the attached Appendix: "Profile Of Low Power Radio 'Slots' In 60 Different Areas." I further urge the Commission to adopt the geographically varying power ceilings proposed by THE AMHERST ALLIANCE.

DON SCHELLHARDT
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Respectfully submitted,

Don Schellhardt

45 Bracewood Road
Waterbury, CT 06706

203/591-9177
capistrano@earthlink.net
Personal URL:
www.personal-expressions.net/users/don/

Dated: _____

September 4, 1999

I hereby certify that a copy of these Initial Reply Comments has been sent to each party who sent a copy of their Written Comments to me.

PROFILE
OF LOW POWER RADIO "SLOTS"
IN 60 DIFFERENT AREAS

In the course of preparing a study on PROJECTED "interference" from Low Power Radio stations, the National Association of Broadcasters (NAB) obtained vital information from the Federal Communications Commission (FCC). The NAB was given access to the FCC's computer projections of how many Low Power Radio stations can be accommodated in each of 60 different areas that the NAB was studying. The FCC's numbers, which were recently upgraded, assume relaxation of the 2nd and 3rd adjacent channel spacing requirements.

This information was then included in the NAB's August 2, 1999 Written Comments to the FCC. Now we are passing this information on to you.

In its Written Comments, the NAB frequently refers to the 60 areas studied as "cities" -- BUT these territories are really the size of metropolitan areas. Collectively, the 60 areas are home for over 100 million people.

At the same time, bear in mind that a majority of the U.S.A.'s population -- and a VAST majority of its land area -- is located OUTSIDE of these 60 areas.

SOURCES

For location of Low Power Radio "Slots": The FCC, as quoted by the NAB.

For Population Data: PLACES RATED ALMANAC, 5TH EDITION by David Savageau and Geoffrey Loftus. Copyright 1997 by Simon and Schuster, Inc.

NOTATIONS

Numbers in perpetua type are 50% or more ABOVE The 60-Area Average for the relevant category.

Numbers in eurostile type are 50% or more BELOW The 60-Area Average for the relevant category.

For LP-100s, depending on the category AND whether the numbers are far above or far below the 60-Area Average, major deviations from the mid-points may suggest the need to add more LP-10s to a SPECIFIC area -- OR, at the other extreme, to set the Top Tier higher than LP-100 in that SPECIFIC area.

PROFILE OF LOW POWER RADIO STATIONS Page 2

(All Population In Thousands, Rounded)

Metro Area	1997	Projected	Aver.	Projected	Aver.
LP-100s					
Pop.	Displaced	Metro	No. Of	Pop.	No. Of
Per	By Each	Area	LP-100	Per	LP-1000
Station**	LP-1000	Pop.*	Stations	Station**	Stations

Las Vegas		1,774	84	14	19	
62	4.4					
Flagstaff		117	74	2	24	
5	3.1					
Albuquerque		705	67	11	16	44
4.2						
Richmond		953	62	15	19	
50	3.3					
Wichita		518	54	10	19	37
3.3						
Tucson		788	52	15	14	56
3.7						
Phoenix		2,637	47	56		11
240	4.3					
St. Louis		2,585	44	59		12
215	3.7					
San Antonio		1,504	42	36	13	116
3.2						
Nashville		1,132	39	29	10	113
3.9						
Jacksonville		1,003	38	26	13	77
2.9						
Columbus (OH)		1,491	37	40		9
166	4.1					
Atlanta		3,531	37	95		11
321	3.4					
Oklahoma City		1,022	36	28	10	102
3.6						
Omaha		675	35	19	10	68
3.5						
Santa Barbara		390	35	11	18	22
1.9						
Mobile		524	34	15		10
52	3.4					
Midland/Odessa		243	34	7	18	15
2.1						
Miami		2,060	30		69	7
294	4.3					
Boise		370	29	13		12
31	2.4					
Cleveland		2,249	25		90	0
NA	NA					
Little Rock		558	24	23		6
93	4.0					

(All Population In Thousands, Rounded)

Metro Area	1997	Projected	Aver.	Projected	Aver.
LP-100s					
Pop.	Displaced	Metro	No. Of	Pop.	No. Of

Per	By Each	Area	LP-100	Per	LP-1000
Station **	LP-1000	Pop. *	Stations	Station **	Stations
Montgomery 2.7	319		24	13	9
Indianapolis 252	1,513		22	70	6
Cincinnati 406	3.7	1,625	18	90	4
Des Moines 43	4.5		18	24	10
Manchester (CT)/Hartford	428				
287	1.8				
Milwaukee 489	1,148		18	64	4
Kansas City 153	4.5		18	81	6
Houston 771	3.0	1,466	18	93	11
Peoria 69	1,679		17	227	5
Mineapolis 931	1.6	3,853	17	20	5
Salt Lake City 126	3.4	347	16	175	3
Springfield (MA) 144	2,792		15	84	10
Spokane NA	5.3		14	41	4
Baton Rouge 192	1.5	576	14	28	0
Charlotte 444	3.5	398	14	41	3
Louisville 249	NA		13	102	3
La Crosse 25	577		13	77	4
Greenville (NC) 21	4.7	1,330	12	10	5
Grand Rapids 146	3.3	995	10	102	7
Raleigh 352	125		9	117	3
Denver 635	2.6	1,055	9	212	3
Dallas 1,524	2.0	1,096	9	339	2
Baltimore NA	3.0	3,047	9	282	0
Philadelphia 2,513	2,534		8	628	2
Pittsburgh 2,411	5,025		8	302	1

(All Population Is In Thousands, Rounded)

Metro Area LP-100s	1997 Pop. By Each Stations **	Displaced LP-1000	Projected Metro Area Pop. *	No. Of LP-100 Stations	Aver. Pop. Per Station**	Projected No. Of LP-1000 Stations	Aver. Per
Orlando 304	1,520 1.6		8		190	5	
Manchester (NH)	179		7		26	1	179
7.0							
Harrisburg	627		6		105	4	157
1.5							
San Diego	2,797		6	466	2	1,399	
3.0							
Trenton	332		4		83	2	166
2.0							
Los Angeles	9,206	4		2,302	1	9,206	4.0
Detroit	4,355		4		1,089	0	NA
NA							
San Jose	1,612		4		403	2	812
2.0							
Washington, DC	4,643		4		1,161	0	NA
NA							
Boston	3,247		4		812	4	812
1.0							
Chicago	7,750		2	3,875	0	NA	
NA							
San Francisco	1,665		2	833	0	NA	
NA							
New York	8,592		0	NA	0	NA	
NA							
60-AREA TOTALS							
110,309	1,391		NA	405	NA	NA	
60-AREA AVERAGES							
1,838		23		79	6.8	272	3.4
+ 50% = 2,757	34		119		10.2	409	5.1
Minus 50% = 919	11		40		3.4	136	1.7

* This is 1997 population data for the applicable Standard Metropolitan

Statistical Area (SMSA). The SMSA is a Census Bureau concept, under which the Bureau groups together individual communities with common economic and infrastructure links to a central urban core.

For purposes of understanding the projected geographical allocation of Low Power Radio licenses BY THE FCC, please regard the SMSA data as AN APPROXIMATION ONLY. The FCC data, as used by the NAB in its study of PROJECTED interference, covers territories in the SIZE RANGE of metropolitan areas -- but the actual communities examined may not correspond PRECISELY to the applicable SMSA boundaries, as defined by the Census Bureau.

PLEASE NOTE AS WELL that, in the case of VERY large stretches of urban and suburban development, the Census Bureau sometimes subdivides the stretch into 2 or more ADJOINING SMSAs. For example, the 8,592,000 people in the New York City/Westchester County SMSA do not include the 1,940,000 people in the Newark (NJ) SMSA, the 2,661,000 people in the Long Island SMSA or the 333,000 people in the Lower Fairfield County (CT) SMSA. The 9,206,000 people in the Los Angeles (City & County) SMSA do not include the 744,000 people in the Ventura County SMSA, the 3,081,000 people in the Riverside/San Bernardino SMSA or the 2,689,000 people in the Orange County SMSA.

** To generate this number, the APPROXIMATE human population for a specific geographical area, as tabulated by the Census Bureau for the applicable SMSA, has been divided by the projected number of Low Power Radio stations. This yields the AVERAGE number of humans in an area for each station. Period. This number, EVEN MORE than the population number for the overall SMSA, should be regarded as AN APPROXIMATION ONLY.

For example, there is no reason to assume Reception Contours will produce UNIFORMLY SIZED potential audiences. This is HIGHLY improbable.

Further, sometimes there may not be applicants for ALL of the available licenses. For example, the FCC estimates there is room for 74 LP-100 stations in the Flagstaff area. However, AMHERST ANALYSIS shows the potential audience averages only 2,000 people per station. Since financial sustainability is difficult with such a small audience, full time, UNsubsidized broadcasters may stop seeking licenses BEFORE potential audiences fall to this level.

PREPARED
For Members Of
THE AMHERST ALLIANCE

DJS/djs
August 8, 1999